

SPECIAL SESSION OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE
TO COMMEMORATE
THE 175th ANNIVERSARY OF ITS CREATION
IN THE DELAWARE CONSTITUTION OF 1831

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SPEAKERS:

PRESIDENT JUDGE JAMES T. VAUGHN JR.
RESIDENT JUDGE RICHARD R. COOCH
GOVERNOR RUTH ANN MINNER
LIEUTENANT GOVERNOR JOHN C. CARNEY JR.
STATE ARCHIVIST RUSSELL McCABE

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MONDAY, APRIL 9, 2007
4:00 p.m.
NEW CASTLE COURTHOUSE
NEW CASTLE, DELAWARE

PRESENT: As noted.

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PRESIDENT JUDGE VAUGHN: Good afternoon, everyone.

Welcome to this Special Session of the Superior Court of Delaware. Seated with me on the bench this afternoon is Resident Judge Richard R. Cooch.

Today, Monday, April 9, 2007, marks the 175th Anniversary of the first session held by the Superior Court. Resident Judge Samuel M. Harrington, one of the original Superior Court judges appointed after approval of the Constitution of 1831, recorded in Volume 1 of his reports - and I quote -- "The Superior Court held its first session at Georgetown in Sussex County on Monday, the 9th of April 1832." This special session today is being held to commemorate this milestone in the Court's history.

I would like to begin by recognizing Governor Minner, who is here with us today. Also in attendance at this time is Geoffrey Gamble, the President of the Delaware State Bar Association.

From the Judiciary we have with us Justices of the Delaware Supreme Court, current Judges and Commissioners of the Superior Court, and retired and other former Judges of the Superior Court. Also present are Richard B. Carter, Chairman of the Delaware Heritage Commission. Cynthia Snyder, who is the museum historic site supervisor with the Division of Historical and Cultural Affairs. Our main speaker is with us, and he will be introduced shortly. We also have with us today a number of surviving spouses of deceased Superior Court Judges. To all of you and to all of the members of your family and other friends of the Court who are here today, I would like to extend a very warm welcome.

Ninety-five Delawareans have had the honor to serve as a judge or a commissioner of the Superior Court since that first session in 1832. By our last count, 29 of them, almost a third, are here with us today.

Governor Minner, we are very pleased, all of us, to have you with us today. It's a real pleasure that you could join us. I would like to go ahead and recognize you now and invite you to make any remarks that you might wish to make.

GOVERNOR MINNER: Well, there is no question, it's my pleasure to join you as you mark the 175th Anniversary of the Court. There is nothing more wonderful than the fact that our courts are recognized not only in this State or this Country, but around the world because of the superior job that we do and how appropriate that is for Superior Court. So we do say thank you as we, again, today mark a part of Delaware's history.

Superior Court was created originally by the Delaware State Constitution of 1831 and established as an institution based on justice, fairness and integrity. Needless to say, I'm pleased to say this Court has continued to live up to that mission and continues it today in doing an outstanding job. As a leading voice in our judicial system, Delaware Superior Court has helped the First State earn its national reputation as a leader in equality and fair decisions. I know this is a direct reflection on the hard work and the dedication of the judicial officials. And I don't mean to leave out the staff that works for them. Knowing how important

staff is for any position, we say thank you to you as well for the outstanding job that you do.

Think of the dedication of the judicial officers, the commissioners, the support staff over 175 years. Interestingly, it continues to maintain the record of being a superior court. The Delaware Superior Court has a long and strong heritage of upholding the freedom this nation was founded on. Now, more than ever, we need strong institutions like Superior Court to turn in order to learn from our past. I commend you, President Judge Vaughn, for all that you've done to make sure that the history of the Court is maintained and all of us as Delawarians get to learn a little more about what you've done.

Today I am happy to say that we have a statement in observance of this. And if the Lieutenant Governor could join me, I would sincerely appreciate that. I'm going to read just the opening of this and then I'm going to turn it over to John to finish reading.

It says, "The Office of the Governor, A Tribute. Be it hereby known to all that Ruth Ann Minner, Governor, and John C. Carney, Jr., Lieutenant Governor, recognize the 175th Anniversary of the Delaware State Superior Court."

LIEUTENANT GOVERNOR CARNEY: "As the Delaware Superior Court celebrates 175 years of judicial excellence, we hereby recognize the Court's core values of unity, neutrality, integrity, timeliness, equality and dedication. Delawareans across the First State recognize the Superior Court, its current and past judicial officers, commissioners and support staff for their hard work and dedication to integrity and fairness in our courts. The Delaware Superior Court has long been a model of an exemplary judicial system and we are proud of this long, strong heritage, one that with no doubt be will be carried with pride into the future.

"Presented on this 9th day of April 2007 by Order of the Governor."

GOVERNOR MINNER: Thank you, John. It is indeed my pleasure to ask the Lieutenant Governor to join me. I'm sure you all know that John and I work very closely together. And when we are doing these kind of things, we take it very seriously because it is important that what we leave behind for future generations recognizes our past as well as what our present is affecting. So with that I will sign this, and then with John's signature we will let it become an official State document.

(The Governor and Lieutenant Governor sign official State document.)

GOVERNOR MINNER: It is indeed our pleasure to present this to the presiding officer of the day and to say to you congratulations. We are very proud of what you and the people have done before you and those that are serving with you have done for our State.

(Applause.)

PRESIDENT JUDGE VAUGHN: Governor, thank you very much for the remarks in this presentation. It's really appreciated greatly by all the staff.

Lieutenant Governor, welcome.

LIEUTENANT GOVERNOR CARNEY: It's good to be here, however late.

PRESIDENT JUDGE VAUGHN: We knew you were close by. At this time I would like to recognize Resident Judge Cooch for some remarks and an introduction.

RESIDENT JUDGE COOCH: Thank you, President Judge Vaughn. I join with you, Judge Vaughn, in welcoming everybody here. I want to particularly thank the Division of Historical and Cultural Affairs and its director, Tim Slavin, as well as the site administrator, Cynthia Snyder, for working with us so that we could hold the ceremony in this courtroom, which, as you can see, is undergoing active renovation. To my mind, and I think to all of us Judges, that didn't matter because museums by their very nature undergo change and renovation. The Division has gone out of its way to accommodate us.

Actually, about two months ago there was a bit of uncertainty as to just how far along the renovations would be. Perhaps the construction was thought to be a little behind schedule. So I did e-mail Timothy Slavin and said that the Superior Court Judges were willing to waive our constitutional right to electricity and to indoor plumbing if we could still have use of this facility. But luckily it didn't come to that.

I also specially welcome Governor Minner, who has been a staunch friend of the Superior Court and historic preservation, as well as others in the Bar, as we call it. And some of you may not know this, but this small part of the world is very familiar territory to the Bar Association President, Geoff Gamble, because for many years he lived right across the street with his family in the Judge James Booth, Jr. house. Judge Booth was famous in New Castle; when a jury was deliberating in the evening, he wasn't going to wait around. He went home. When the jury reached a verdict, the sheriff would ring the bell on the courthouse roof, at which time he would come over in his nightclothes to do what had to be done, which sometimes included sentencing the defendant.

This courthouse, I think, is an ideal location for the commemoration of the Superior Court's 175th Anniversary since our creation in the Constitution of 1831. And we are meeting 175 years to the exact day. This part of the building was built in 1732 and it was built on the site of an earlier courthouse that was here at least in 1689 or perhaps even earlier. We hope that Historical and Culture Affairs could find the documentation sometime that can pin that down. But it has been a long time that justice has been dispensed from this very spot.

Most of you know probably that we are all now exactly 12 miles from the Pennsylvania line because the 12-mile circle of New Castle is measured from the cupola on the courthouse. The General Assembly met here upstairs until 1777, when it moved to Dover when the Revolutionary War broke out. And, most importantly for present purposes, the Superior Court in 1832 would have had its first session and sessions in this very room.

Speaking of the year 1831, by coincidence the house where my family and I live and where we will be having the reception afterwards was built in that year by my great-great grandfather, George B. Rodney. He was a lawyer who had moved to New Castle from Lewes. He built a law office adjoining the house, which is accessed also through the dining room. I can only imagine that George B. Rodney must have spent many hours in his law office in 1831 and 1832 trying to figure out just what this Superior Court was all about. I do the same today.

We will all then go to dinner at the David Finney Inn, which was the residence of many lawyers in New Castle history, including George Read, Jr. and other lawyers and judges. I mentioned this information about where we will be migrating to next because I thought it would, hopefully, give some further historical context to this very history-laden observance that we're celebrating today.

I've actually held two oral arguments in, I hope, appropriate civil cases in this room. I knew that Bill Quillen, when Chancellor in the 1970s, had held an oral argument here and that was all the precedent that I needed.

Well, hopefully all this history I just recounted is a good prelude to introducing our speaker today, State Archivist and Sussex County native Russell McCabe. Nobody in Delaware is more passionate about Delaware history than Russ McCabe. He's been employed by Delaware Public Archives since 1978. He's been deeply involved in records management for years and has spearheaded Delaware's Historical Markers and Monuments Program. He's been very active, including many leadership positions, with many local historical societies and associations. He is a recognized author and frequent public speaker. He's been the administrator of outreach services for Public Archives for many years. And specifically, for today's purposes he, with the help of other Archives staff, has prepared a commemorative booklet for the Superior Court's 175th Anniversary, which will be distributed to everybody here later today. So with appreciation to Russ McCabe for his speaking to us today as well as his longtime efforts to support Delaware history and helping us with the commemorative booklet, we welcome you, Russell McCabe.

(Applause.)

MR. McCABE: Thank you, Judge Cooch, for your kind and generous remarks.

A couple of things occurred to me as you mentioned, I think, coincidence in terms of where you live and George B. Rodney. By the way, we did, as Judge Cooch mentioned, recently take a look back at Superior Court's first year, first sessions and Grandpop Rodney did, in fact, argue a case or two before the Court. I found two. He lost both. But there may have been others, particularly one.

RESIDENT JUDGE COOCH: I'm sure there were.

MR. McCABE: In Delaware certainly it's no secret that those of us who were born and raised here -- I like to use the expression "historical irony". I mean, this is a small state. I can only imagine that there are any number of you who are related to any number of the rest of you here today, which is pretty appropriate.

Just a quick note about a little historical irony of a personal nature for myself. In 1734 the Presbyterians in Sussex County, who were growing in number, sent a request to Northern Ireland, to the Templepatrick Presbyterian for a minister. There was a Reverend James Martin who was sent from the Templepatrick Presbyterian. He brought with him his young nephew, a fellow by the name of Josiah Martin, who just happened to be my great-great-great-great, and one or two other greats, grandfather. In the 1750s Josiah Martin was a member of the House of Assembly and literally, if he didn't stand right here, would have stood near here. So there's a little personal historical irony.

And speaking of historical irony, it did occur to me, Judge Cooch, that had we not had indoor plumbing and electricity, that would have been an appropriate bit of historical irony as well since during the early days we wouldn't have had either. I'm kind of glad we did, particularly on a cool day like today.

First of all, obviously you've noticed I'm dressed a little bit differently than my usual attire. Lieutenant Governor Carney and I are about the same age. I'm just wondering, John, if you had the same thought that I did when you saw this. Does this remind you a little of our senior prom years? Right down to the puffy shirt.

LIEUTENANT GOVERNOR CARNEY: Mine was sky blue.

MR. McCABE: Close.

This is certainly an appropriate place to celebrate this historic anniversary. It occurred to me -- and I know that Judge Quillen was a member of Chancery Court at one point in time. How many other past Chancellors do we have here, members of Chancery Court? I know we've got a couple. Well, correct me if I'm wrong -- and generally, you know, in Delaware it's always good to be first. But with the exception of Chancery Court, Superior Court is the second oldest statewide court. Now, my good friend Alan Davis might argue the fact that we've had Justices of the Peace since the 17th Century, but I think we are recognizing today our second oldest statewide court on this very historic occasion. I thought it was also kind of appropriate, I guess, that there are at least two, three Sussex County natives that are sitting here in the front row on the 175th Anniversary of that meeting down in the old courthouse.

I'll talk just a little bit here in a moment about a couple of those first cases, but let me just take you through a quick constitutional historical kind of narrative, if you will, because, once again, it's appropriate that we're here. In May of 1775 on the verge of the Declaration of Independence, the Continental Congress asked the states, or the colonies at the time, to begin to prepare for independence. Frankly, I think just the fact they communicated this was pretty risky in its time and day, but they knew that there was a potential for chaos if independence were declared and governments literally had no framework upon which to operate.

On July 27th of 1776, three weeks or a little bit more than that after the Declaration, our Assembly, meeting here in this building, passed a resolution that said that we should have a special election and elect 30 delegates to attend a convention to frame Delaware's first state constitution. Now, once again, as we know, being first, our state was the first -- there were eight states or eight colonies that became states that year that had constitutional conventions. Ours was the first to be popularly elected. And certainly the Constitution that was created in this building in late August or early September 1776 reflected a growing interest on the part of everyday Americans in government and in popular involvement with government.

Bear in mind that historically governments in general -- and this, I think, is the case with all three branches -- had been pretty much the exclusive bailiwick of folks of a certain economic and educational background and by the time of the Revolution I think the common man wanted more to say and do. It took a little bit of time. And we'll get to that here in just a moment.

The Constitution of 1776, frankly, wasn't a great change in terms of the way that Delaware's government was organized. If anything, Governor Minner, the governor's position was weakened. They were concerned about the power of the governor at the time. In fact, the governor had helpers. The governor was the president. The governor had a privy council of six persons and basically you had to have their approval to -- aren't you glad we did away with that? Our House Assembly became a bicameral house, an upper and lower house. Our courts by and large remained the same. Too big; too many. And that was the message from that point on that was to resonate for about another 50 years or so till the 1831 convention.

The courts -- and certainly there are those of you here that know court history better than I do. The courts were certainly, even for that day and time for a small state like ours, a bit much. There were three Supreme Court Justices

with a chief justice, 12 justices of the Court of Common Pleas with a chief justice as well serving in the Court of Common Pleas. So there were 15 state judges. And the interesting thing about it is that the purview, if you will, or the bailiwick of those courts were very much overlapping. And that created a problem right away. Folks were distracted somewhat by the Revolution. There wasn't a great deal of focus on reform of the courts until 1791.

Bear in mind, in 1787 John Dickinson and Richard Bassett attended the Philadelphia Convention that created our federal constitution. They had a little bit of experience under their belts. There were three members of the State convention that was called in 1791 who had actually served as members of the 1776 Convention here in this building. So the individuals that assembled had some models to work with and they had some experience to apply.

The changes to the 1792 Constitution were considerable. In fact, by and large the real blueprint of our state government as we know it today, our three branches, was established with the 1792 Constitution.

Now, I don't think I see Justice Holland here today, and I'm kind of glad for that because -- and I mean that sincerely. Anybody that knows Justice Holland knows that he is, without a doubt, our State's resident expert where it concerns the arrangement of our courts. Again, that's not my goal here today. If you want to learn more about the 1776, 1792 Constitutions, do see Justice Holland. I'm sure he'd be glad to tell you a lot more than I would know.

But I'll tell you, the first thing they did with the courts in 1791-92 as a part of that convention is they reduced their size. Again, the issue was the size of the courts. There were just plain too many judges. Speaking of irony, don't you think that it's kind of ironic today that our judiciary is anxious to have more judges when 200 plus years ago they wanted anything but. They wanted fewer judges. And there were a couple of reasons for that.

Frankly, one of the primary reasons was that the people themselves had very little confidence in some of the judges because they were not required to have legal training. Our judgeships during that particular year were by and large, if we were lucky enough, held by trained legal minds, but in other cases, frankly, by individuals whose chief claim to fame was their political partisanship and their support for the most recent successful candidate.

The size of the courts were reduced. The Supreme Court was reduced to three members with a chief justice. Court of Common Pleas, again, was reduced from 12 members to four members with the chief justice. So we had two chief justices at that point in time.

The primary achievement, if you ask me, of the 1792 Constitution was the creation of our Court of Chancery. And it's kind of interesting -- and Judge Quillen is the expert certainly when it comes to the history of Chancery, but I think he's heard this story before. It's kind of interesting how that happened. You know, there was a movement during that particular day and time to move equity and law together and to consolidate that into single courts. We had a chief justice at the time who was a member of the party on the outs, William Killen, and there is some suspicion that our Court of Chancery was created to create the position of chancellor so that Judge Killen would have a job. Thank goodness they did that as well. But the Court of Chancery certainly will come to play later in Delaware's history. And, as I say, I'm not here to bore you with all the details.

But immediately from 1792 until 1831 there was an outcry. Again, there was concern about the size of the courts. There was concern about the professionalism of the courts. There was concern about an overlap in jurisdiction.

Now, just, if you could, let's jump back to the 1776 Convention. Our conventions have been popularly elected and certainly subject to some of the same types of political pressures of the day. The first issue that the 1776 attendees had to address above us here was the fact that Sussex County had sent them two slates of delegates. There were two different political factions in Sussex and, frankly, neither faction got along too well. So there were two different sets of elections and there were two sets of Sussex delegates that appeared in 1776. That kind of partisanship or, more importantly, that kind of geographic partisanship would play a role in all of our constitutional conventions, but specifically back in 1831. And I'm going to get to that here in just a second. They did, by the way, seat the more conservative Sussex County delegates in 1776.

As I mentioned, there was an outcry from the beginning about the need to reform our courts and the professionalism of our courts. In 1820 there was an amendment that passed both Houses of the General Assembly and received the Governor's signature to call a constitutional convention and ask to reform the courts. That failed the following year, and the subject was pretty much dead for about another ten years. But by the late 1820s there was an outcry.

Now, it's interesting because -- I thought about this as I was driving up here earlier. By and large, today people are very familiar or relatively familiar with the issues of the day as it concerned the Revolutionary period and the period of the Civil War, for instance. We're all pretty familiar with what the primary issues were then. In the late 1820s, early 1830s the kinds of issues were a little bit different. They were more internal and they were more associated with the growth and change of our country from a primarily agricultural or agrarian economy to an industrial revolution charged, business oriented, export, commerce type of economy. Politics became the interest of the common man again.

You know, it's interesting because if you look at the genealogies of families like the Rodney family, for instance, or the Bayard family, families that have been involved with our State's government and politics since the colonial period, you can almost follow a political genealogy as well. And without a doubt, the great fault line in Delaware politics in terms of heredity or hereditary politics happened during the Jackson and Adams years. There was a huge, huge split within the State between the pro-Jackson Democrats in New Castle County, who were very much reform oriented and anxious to see that the government of the people had given as much to the people as possible, and the more conservative downstate individuals who tended to favor Adams.

Now, there was a successful election in the fall of 1831 after the second effort to call a constitutional convention. Delegates were elected. New Castle's delegates were overwhelmingly Jacksonian Democrats. Kent and Sussex delegates were overwhelmingly Adams, anti-Jacksonian Democrats. The parties were metamorphosing from the Federalist Party to what would become the Whig Party at the time. And as soon as they got a convention, the same thing happened again, folks. The two geographic areas split tremendously.

One of the most difficult elements --really, this is the story of the 1831 convention. One of the most difficult elements of progress and the success of that convention came, in my opinion, because of John M. Clayton's great compromising ability. Now, as I mentioned, the New Castle delegates were almost exclusively Jacksonian Democrats. The leader of the New Castle delegation, interestingly

enough, was the District Court Judge named Willard Hall. Now, I'm sure most of you or some of you have heard of Judge Hall. Judge Cooch and I were talking about the irony earlier that a seated or sitting District Court Judge could participate in the state constitutional convention. John M. Clayton at the time was a seated or sitting United States Senator, a member of the United States Senate. George Read, Jr., who lived down the street here, was the District Attorney at the time. There was no such thing as conflict of interest then. It was what we like to call Delaware complement of interest. Another one of those great things about being from Delaware.

Basically the story of the convention, in my opinion, is the story of those two men, Willard Hall and John M. Clayton, and the compromise that resulted at the end of the convention. Clayton was anxious for reform of the courts, but he didn't want the reform that Willard Hall was pushing for. Willard Hall was very anxious to have a court that consisted literally of one judge per county. In this particular case the judges would have jurisdiction over both civil and criminal matters. Clayton didn't trust one judge. He was also concerned about the fact that there was no requirement for legal training at that point in time, concerned about the qualifications of our judges and he pushed back. Hall spoke very eloquently about the need to reduce the size of our courts and he spoke very eloquently about the need to do that quickly because of the changing times.

Clayton saw the opportunity for compromise. He gathered the Sussex and Kent delegates and he said, look, we're not going to get everything we want at the convention, but as long as they vote as a block, they are not either. And that was the story of the convention. There were 28 votes of the committee as a whole of the members of the convention. Eighteen of those votes were unanimous where it concerned the New Castle delegates. The New Castle delegates functioned as a block and basically tempered and played a compromise game with the folks from downstate. Again, I don't think too much has changed, however, since then. It's not all politics once you get into Dover. It's upstate and downstate, folks. And that was certainly the case during the 1831 convention.

The compromise that came out of the convention really, in my opinion, made Clayton the winner. Clayton came out of it with a reduced court. They eliminated, of course, the Court of Common Pleas. The old Supreme Court was eliminated. A state judiciary consisting of five individuals was created, including the chancellor and four judges of Superior Court, one to reside in each county and one to serve as chief justice.

Interestingly enough, as hard as Willard Hall pushed for the power of a single judge, a decision could not be made by the Court without the presence of at least two judges in each county. A single judge could open and adjourn the Court, but could not make a decision or render a decision without the assistance or the presence of another judge.

There were several things that Clayton wanted to achieve, frankly, that he wasn't able to achieve. I mentioned earlier, we've had the opportunity to look back at the history of the Court. There are three cases -- for those of you who get a chance to see this little booklet that we put together to celebrate this event, you'll notice that there are three cases that we abstracted and used to illustrate what the Court was dealing with in its first year, one of which concerns debt. You know, there was a great history, obviously, in Europe that was brought to this country of imprisonment for debt.

Beginning in the late 18th Century there was a social move within Delaware that became politicized to eliminate imprisonment for debt. The mentality was very simply this: You can't pay off your debt if you're in jail, which today seems

pretty logical. But in that day and time there were issues that affected that. And this particular case that you'll see abstracted later, which involved a fellow named Butler from New Castle County, involved the fact that they were concerned that if Butler was let out of jail - and I'm assuming Butler was in jail right around the back here; I believe that's where the jail was at the time -- that he would simply leave and go away. And, bear in mind, we didn't have social security numbers in those days and it was relatively easy to move a county or two away and leave your debt behind.

So there were some very practical reasons why certain delegates at the convention did not want to eliminate the imprisonment for debt. In 1832 the General Assembly did reduce the time period that you could be held in jail for a debt case to, I believe it was, five days, if I'm not mistaken. But, again, that was something that Clayton attempted to do and he was unsuccessful with it.

Another one of the cases that we highlighted in this small booklet concerns a rather antiquated practice of training our youths for work. And that's the old system of apprenticeship. In this particular case in Kent County a young fellow named Davis had been an apprentice to a man named John Cliff to learn the art, trade and mystery of harness dresser or harness making and carriage dress. Apparently Mr. Cliff had fallen on hard times, but because this young boy was bound, as most young boys were, until the age of 21, he was technically bound to Mr. Cliff despite the fact that Mr. Cliff apparently -- and I hope there are no members of the Cliff family here today - had consulted or taken on the bottle, let's put it that way, and had basically stopped working.

Again, an issue where the Court had to get involved with the rights of an individual dealing with a practice that was historical and legal. That practice -- actually, I think it surprises a lot of people -- was technically legal in the State of Delaware until the early 20th Century. But, again, there's an issue typical of what the Court dealt with in its first year and in those first sessions.

Speaking of first sessions, on April 9th of 1832, 175 years ago, a case that, frankly, was very typical of the cases that we found in the early and mid-1830s, was one of the first cases -- in fact, I believe it was the first case -- that came before the Court, and that concerned a young African-American boy named -- I believe his name was Cuff Tindall. Now, bear in mind that Congress had outlawed the importation of slaves in 1808. And in terms of the advances of civilization and development in the southern states, the real growth of the deep south occurred after that time period. So there was quite a market for slave labor in the southern states.

About the same time that that market was growing and exploding in the deep south there was quite a rush in Delaware to free our slaves, even though it's true that Delaware was literally one of the two last slave states in the union. By and large, most African-Americans by the 1830s in Delaware, a significant percentage, were free. However, many of them had very few rights and very few people to defend them. At the same point in time there was this nefarious element who realized that the sale of these individuals, these free individuals in the deep south, their inability to defend themselves, represented quite an economic reward. And on April 9, 1832 Cuff Tindall, with his father, appeared before the Court to prove that he was a free man and not the slave that he was claimed to be by an individual who had owned his mother at one point in time.

The cases that were dealt with by the Superior Court in that first year -- I would say probably 50 percent of them were associated with issues of that sort,

where African-Americans in Delaware were attempting to prove that they were free, and the courts in many cases stepped up and agreed.

We've had a real great experience with this particular project at the Archives. We literally have hundreds and hundreds of boxes -- and Judge Quillen knows this because he's gone through quite a few of them over the years -- of manuscript Court records. By and large, these Court records aren't used as often as they should be by historians. So one of the beauties of this particular opportunity to help the Superior Court celebrate this anniversary is it's been an opportunity for us to bring some attention to those records.

As I mentioned earlier, John Clayton was a great winner of 1831. Many of the reforms that John M. Clayton wasn't successful in implementing at the convention or pushing at the convention, such as imprisonment for debt, the requirement of being a taxpayer, to have the suffrage and franchise, were approved by our legislature within about a 10 or a 15-year period after the convention.

One of the things that Clayton did -- and I think it was kind of a masterful stroke on his part -- is he made it a little more difficult for them to call a constitutional convention. So despite an ill-fated effort in the 1850s, the next constitutional convention that was held in Delaware was in 1897, and that's the constitution that we use today, by and large, with amendments.

A couple of other changes that occurred as a result of the 1831 Constitution. One was, Governor, that governors were elected to four-year terms as opposed to three-year terms. Our General Assembly, the House Assembly had been elected annually. The terms of our members of the House were extended to two years, which such is the case today. Our Senate was extended to four. So by and large, our -- and the elections. And this, I think, was merciful, by the way. The elections, the tradition of annual elections in Delaware ended as a result of the 1831 Constitution. Can you imagine raising funds for annual elections?

But the real impact of the Constitutional Convention of 1831 was with the Judiciary. And, without a doubt, the most outstanding and lasting effect of that particular constitutional convention was the creation of Delaware Superior Court.

It has been a pleasure for me to be here and to kind of recite these great historical facts. I invite any and each one of you who wishes to come to the Archives to please come and see the original documents that we have there that chronicle this exciting period in our State's history. They are really phenomenal. And if we could just get a few more of you in the door, we'd love to have you there. So please come see me. And thank you very much for this opportunity.

(Applause.)

PRESIDENT JUDGE VAUGHN: Russ, thank you very much for those remarks. They were extremely informative. That is the most authoritative statement of that time that I've heard anywhere.

This entire proceeding is being recorded by one of our court reporters and it will be at a minimum posted to our Web site, which I'm constantly surprised by how many people we have who actually tune into our Web site and pay attention to what's going on there. It's actually a lot of people.

I would also like to thank you for preparing the booklet. There is a commemorative booklet that's been prepared. For all those who are here who are coming to our dinner, it will be made available at the dinner, I believe. Is that right, Russ?

MR. McCABE: Yes.

PRESIDENT JUDGE VAUGHN: For anyone who is not coming to the dinner, just call Judge Cooch or me and we'll make sure to make one available to you. It will also be distributed to all of the school libraries and all of the public libraries and then possibly an even wider distribution.

I would also like to thank the Delaware Heritage Commission for its assistance in the preparation of that. The Court appreciates it very much.

Finally, I would like to thank the Superior Court's 175th Anniversary Planning Committee. The names of the committee members are listed at the bottom of the program.

I would also like to recognize and also welcome the Attorney General Beau Biden, who is with us in the back.

Finally, we are going to take a group photo of everybody out front. It's a little chilly. We're not going to make this a long, drawn-out affair. Real quick. The people who are up front, I'd like to be up front in the picture. Hopefully, when we go out, the photographer will be there. We'll all just sort of mill together in a group and go ahead and have one large group photo taken of all of us. We will then proceed to Resident Judge Cooch's residence for a reception.

This Special Session of the Superior Court is now adjourned.

(Whereupon, the Special Session of the Superior Court of the State of Delaware adjourned at 4:45 p.m.)